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**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

UTAH TELECOMMUNICATIONS OPEN
INFRASTRUCTURE AGENCY,

Plaintiff,

v.

CITY OF AMERICAN FORK, DAVID
BUNKER in his official capacity as American
Fork City Administrator, and BRAD FROST
in his official capacity as American Fork City
Mayor,

Defendants.

**JOINT MOTION FOR RELIEF FROM
DOCKET TEXT ORDER TO COMPLY
WITH ORDER TO PROPOSE
SCHEDULE [ECF NO. 39]**

Case No. 2:21-cv-00600

Judge David Barlow

Magistrate Judge Cecilia M. Romero

Plaintiff Utah Telecommunications Open Infrastructure Agency (“UTOPIA”) and defendants the City of American Fork, David Bunker, and Brad Frost (together, “American Fork”), through undersigned counsel, hereby move for relief from the Court’s Docket Text Order to Comply with Order to Propose Schedule (ECF No. 39) (the “Docket Order”) that was issued on September 12, 2022. In support of this motion, the parties represent as follows:

UTOPIA filed its complaint in this matter on October 12, 2021 (ECF No. 2). American Fork moved to dismiss the complaint on January 3, 2022 (ECF No. 14), and the motion was fully

briefed on March 28, 2022 (*see* ECF No. 35). On July 18, 2022, the Court granted American Fork's motion to dismiss and dismissed all of UTOPIA's claims without prejudice (ECF No. 38). The parties understand that UTOPIA has ninety (90) days from the date of the order granting the motion to dismiss to seek leave to amend its complaint.

Given the Court's order dismissing UTOPIA's complaint, the parties did not anticipate the Court setting a discovery schedule absent further developments. The parties therefore stipulate and jointly move the Court to relieve them from having to comply with the Docket Text Order unless and until UTOPIA files an amended complaint.

DATED: September 26, 2022

FOLEY & LARDNER LLP

/s/ David L. Mortensen

David L. Mortensen

Tanner B. Camp

*Attorneys for Defendants American Fork,
David Bunker, and Brad Frost*

DATED: September 26, 2022

PARSONS BEHLE & LATIMER

/s/ Juliette White

Juliette White

Robert H. Hughes

Attorneys for Plaintiff UTOPIA

CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2022, a copy of the foregoing **JOINT MOTION FOR RELIEF FROM DOCKET TEXT ORDER TO COMPLY WITH ORDER TO PROPOSE SCHEDULE [ECF NO. 39]** was served via the Court's ECF filing system on the following:

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